



AUG 13 2007

Attorney's Docket No. 2727CON (203-2809PCTCON)

PATENT

## COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

### TYPE OF DECLARATION

This declaration is of the following type: (*check one applicable item below*)

- original
- design
- supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- divisional
- continuation
- continuation-in-part (CIP)

### INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### VESSEL SEALER AND DIVIDER

## SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

(a)  is attached hereto.

(b)  was filed on May 19, 2004 as  Serial No. 10/848,773 or  Express Mail No., as Serial No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

(c)  was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

## ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, and

in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. §1.98.

## PRIORITY CLAIM (35 U.S.C. §119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d)  no such applications have been filed.

(e)  such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER** **FILING DATE**

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## **POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**ALL ATTORNEYS AND REGISTERED PRACTITIONERS ASSOCIATED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE, CUSTOMER NO. 50855.**

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

(Name and telephone number)

**Mark Farber, Esq.**

**UNITED STATES SURGICAL, (303) 581-6831**

**a Division of Tyco Healthcare Group LP**

**195 McDermott Road  
North Haven, CT 06473**

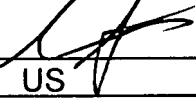
## **DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

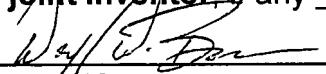
## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of **sole or first inventor** Sean T. Dycus

Inventor's signature  Date 8/6/07  
Country of Citizenship US Residence Broomfield, CO USA  
Post Office Address 2735 Overlook Drive, Broomfield, CO 80020 USA

Full name of **second joint inventor**, if any Dax D. Brown

Inventor's signature  Date 1 AUGUST 2007  
Country of Citizenship US Residence Bardstown, KY USA  
Post Office Address 1214 Borders Lane, Bardstown, KY 40004 USA

Full name of **third joint inventor**, if any David Farascioni

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Country of Citizenship US Residence Bethel, CT USA  
Post Office Address 39 Deepwood Drive, Bethel, CT 06801 USA

Full name of **fourth joint inventor** Michael Primavera

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Country of Citizenship US Residence Orange, CT USA  
Post Office Address 433 Dogwood Road, Orange, CT 06577 USA

Full name of **fifth joint inventor** David N. Fowler

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Country of Citizenship US Residence Cheshire, CT USA  
Post Office Address 40 Autumn Court, Cheshire, CT 06410 USA

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING  
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

- Signature for subsequent joint inventors.  
Number of pages added \_\_\_\_.
- Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.  
Number of pages added \_\_\_\_.
- Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. §1.47.  
Number of pages added \_\_\_\_.

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If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

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**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
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*(complete this part only if this is a  
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**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claim of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

<b>U.S. APPLICATIONS</b>		<b>Status (Check One)</b>		
<b>U.S. APPLICATIONS</b>	<b>U.S. FILING DATE</b>	<b>Patented</b>	<b>Pending</b>	<b>Abandoned</b>
1. 10/472,295	09/18/2003	<input checked="" type="checkbox"/>		
2. 0 /				
3. 0 /				
4. 0 /				
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>				
<b>PCT APPLICATION NO.</b>	<b>PCT FILING DATE</b>	<b>U.S. SERIAL NOS. ASSIGNED (if any)</b>		
5. PCT/US01/11340	04/06/2001			
6.				
7.				
8.				

**35 U.S.C. 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED  
U.S./PCT APPLICATIONS**

ABOVE APPLICATION NO.	DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 U.S.C. 119		
	<u>Country</u> Application No.	Date of filing ( <i>day, month, year</i> )	Date of issue ( <i>day, month, year</i> )
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### **VESSEL SEALER AND DIVIDER**

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(a)  is attached hereto.

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Full name of **second joint inventor**, if any Dax D. Brown

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Country of Citizenship US Residence Louisville, KY USA  
Post Office Address 4307 Twillingate Lane, Louisville, KY 40241 USA

Full name of **third joint inventor**, if any David Farascioni

Inventor's signature David Farascioni Date 7/16/07  
Country of Citizenship US Residence Bethel, CT USA  
Post Office Address 39 Deepwood Drive, Bethel, CT 06801 USA  
30  
DF 7/16/07

Full name of **fourth joint inventor** Michael Primavera

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Country of Citizenship US Residence Orange, CT USA  
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Full name of **fifth joint inventor** David N. Fowler

Inventor's signature D. N. Fowler Date 7/16/07  
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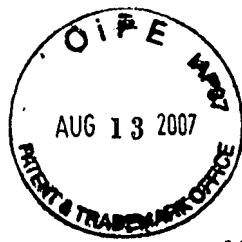
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(Name and telephone number)

**Mark Farber, Esq.**

**UNITED STATES SURGICAL, (303) 581-6831**

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Signature for subsequent joint inventors.  
Number of pages added \_\_\_\_.

Signature by administrator(trix), executor(trix) or legal representative for deceased  
or incapacitated inventor.  
Number of pages added \_\_\_\_.

Signature for inventor who refuses to sign or cannot be reached by person  
authorized under 37 C.F.R. §1.47.  
Number of pages added \_\_\_\_.

\*\*\*

Added pages to combined declaration and power of attorney for divisional,  
continuation, or continuation-in-part (CIP) application.  
Number of pages added \_\_\_\_.

\*\*\*

Authorization of attorney(s) to accept and follow instructions from representative.

\*\*\*

If no further pages form a part of this Declaration then end this Declaration with  
this page and check the following item.

This declaration ends with this page.

OCT 13 2007  
U.S. PATENT AND TRADEMARK OFFICE  
RECEIVED  
AUG 13 2007

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**

*(complete this part only if this is a  
divisional, continuation or CIP application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claim of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

U.S. APPLICATIONS		Status (Check One)		
U.S. APPLICATIONS		U.S. FILING DATE	Patented	Pending
1.	10/472,295	09/18/2003	<input checked="" type="checkbox"/>	
2.	0 /			
3.	0 /			
4.	0 /			
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)		
5. PCT/US01/11340	04/06/2001			
6.				
7.				
8.				

35 U.S.C. 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED  
U.S./PCT APPLICATIONS

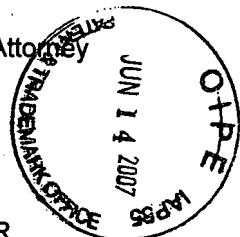
ABOVE APPLICATION NO.	DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY CLAIMED UNDER 35 U.S.C. 119		
	<u>Country</u> Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.			
2.			
3.			
4.			
5.			
6.			

# COPY

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Amendment Transmittal Form (in duplicate)
2. Amendment
3. Copy of Combined Declaration and Power of Attorney
4. Certificate of Mailing

Applicant: Dycus et al.  
Serial No.: 10/848,773  
Filed: May 19, 2004  
For: VESSEL SEALER AND DIVIDER  
Docket: 2727CON(203-2809PCTUSCON)  
Dated: June 12, 2007



ECM/EM:mg